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8
9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA
11

12 ANGELA G. LINDSAY, an individual,
13 PENELOPE WRIGHT, an individual,
TIMOTHY E. PIERACCI, an individual,
14 MICHAEL A. PIERACCI, an individual
and MITCHELL D. PIERACCI, an individual,
15
16 Plaintiffs,

17 vs.

18 CLAUDIA A. LINDSAY and DONALD W.
19 LINDSAY, individually and as Trustees of the
SEIFERT FAMILY TRUST,
20

21 Defendants.
22 _____ /

CaseNo.CV-N-05-0305-LRH (RAM)

**PLAINTIFFS' MOTION FOR
ENLARGEMENT OF TIME TO
FILE OPPOSITION TO MOTION
FOR ORDER BIFURCATING
TRIAL
(First Request)**

23 COME NOW, PLAINTIFFS ANGELA G. LINDSAY, PENELOPE WRIGHT,
24 TIMOTHY E. PIERACCI, MICHAEL A. PIERACCI and MITCHELL D. PIERACCI, by and
25 through their counsel of record, John K. Gallagher of Guild, Russell, Gallagher & Fuller, Ltd., and
26 hereby move this court, pursuant to Rule 6-1 of the Local Rules of Practice for the United States
27 District Court for the District of Nevada, for an extension of time until and including September 1, 2006,
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1 in which to respond to Defendants' Motion for Order Bifurcating Trial, which was filed on August 3,
2 2006.

3 This motion is made and based upon the Memorandum of Points and Authorities attached
4 hereto, and the pleadings and papers on file herein.
5

6 DATED this 21st day of August, 2006.

7 GUILD, RUSSELL, GALLAGHER
8 & FULLER, LTD.

9
10 By /S/John K. Gallagher
11 John K. Gallagher, Esq.
12 Nevada State Bar No. 000956
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MEMORANDUM OF POINTS AND AUTHORITIES

On August 3, 2006, Defendants Claudia Lindsay and Donald Lindsay filed their Motion for Order Bifurcating Trial (hereinafter "Motion") in the above-entitled matter.

Rule 6-1 of the Local Rules of Practice for the United States District Court for the District of Nevada provide that a party may move for an extension of time.¹ Counsel for the Plaintiffs has not been able to complete its response to Defendants' Motion for filing by August 21, 2006, due to the fact counsel was preparing for and attended the settlement conference that was scheduled in this matter on August 17, 2006.

Furthermore, if given the opportunity, the Plaintiffs are confident they will be able to demonstrate that the Defendants' Motion lacks sufficient legal basis, as the Defendants have failed to establish any legal precedent which permits the bifurcation of the trial in this matter. This motion is made in good faith and is not interposed for purposes of delay.

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LR 6-1. REQUESTS FOR CONTINUANCE, EXTENSION OF TIME OR ORDER SHORTENING TIME.

(a) Every motion requesting a continuance, extension of time, or order shortening time shall be "Filed" by the clerk and processed as an expedited matter. Ex parte motions and stipulations shall be governed by LR 6-2.

(b) Every motion or stipulation to extend time shall inform the court of any previous extensions granted and state the reasons for the extension requested. A request made after the expiration of the specified period shall not be granted unless the moving party, attorney, or other person demonstrates that the failure to act was the result of excusable neglect. Immediately below the title of such motion or stipulation there shall also be included a statement indicating whether it is the first, second, third, etc., requested extension, i.e.:

STIPULATION FOR EXTENSION OF TIME TO FILE MOTIONS

(First Request)

(c) The court may set aside any extension obtained in contravention of this rule.

(d) A stipulation or motion seeking to extend the time to file an opposition or final reply to a motion, or to extend the time fixed for hearing a motion, must state in its opening paragraph the filing date of the motion.

1 III. CONCLUSION

2 Based upon the foregoing, the Plaintiffs respectfully request this Court grant their motion to
3 extend the time to respond to the Defendants' Motion to Friday, September 1, 2006.

4 Respectfully submitted this 21st day of August, 2006.

5
6 GUILD, RUSSELL, GALLAGHER
7 & FULLER, LTD.

8
9 /S/John K. Gallagher
10 John K. Gallagher, Esq.
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12 Brian J. Saeman, Esq.
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18 Attorneys for Plaintiffs

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20 IT IS SO ORDERED.

21 DATED this 25th day of August, 2006.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE